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PETITION FROM THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN  
CONCERNING ALL TRUST TERRITORIES

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THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN

25 East 64 Street

New York 21, N.Y.

Feb. 25, 1958

PETITION TO THE TRUSTEESHIP COUNCIL CONCERNING  
FREEDOM OF SPEECH AND ASSOCIATION  
IN TRUST TERRITORIES

Submitted by the INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN

On behalf of this League, which has affiliated organizations in several of the trust territories, we desire to draw the attention of the Trusteeship Council to several aspects of the civil and political liberties of the peoples of some of the trust areas. We do so in the belief that the restrictions to which we call attention are not consistent with the spirit of the Charter, the trusteeship agreements or the Universal Declaration of Human Rights.

We express the hope that the Council at its present session may find occasion to discuss these points in relation to the examination of the African trust territories.

1. Our concern arises from restrictions on the freedom of political association and of speech, imposed by the Administering Authorities on the ground of maintaining public order. We do not question the obligation to maintain order against acts or direct preparations for violence. But we question any policy which goes beyond dealing with specific acts to outlawing a political party or penalizing speech and association as seditious. Examples of both mark the acts of the Administering Authority in at least three African trust territories.

2. It is contended that leaders of one party outlawed were guilty of acts of violence, though the party itself was not committed to unlawful means of action. Outlawry of a political movement cannot, in our view, be justified because of the acts of some of its leaders or members. Prosecution of individuals is the proper course. Guilt is personal, not by association, and is not to be imputed to those who do not take part in unlawful acts. This concept lies at the base of the domestic law in the statutes of the Administering Authorities. To apply a different standard in the trust territories is to violate both their own practice at home and the principles repeatedly asserted by the United Nations.

Yet we see in one trust territory a whole political movement outlawed, with the consequence that your representatives have been denied contact with it, and that petitions from its members are regarded as outside your jurisdiction. It is obvious that such a device could in any trust area thwart the will of the inhabitants and enable the Administering Power to limit political rights to those whom it favors. Certainly no such result is contemplated in the trusteeship system.

3. A similar result is achieved when an Administering Power creates the crime of sedition, under which persons are prosecuted solely for speech or association, apart from any acts, held to be subversive of the authority of the Administering Power. It constitutes in effect the outlawry of political expressions opposed by the Administering Power. The crime does not exist in this form in the domestic law of the Administering Powers. It is even more out of place in a trust area, where the principles of the United Nations apply.

4. We call to your attention also two other policies of the Administering Powers not unrelated to outlawry and sedition. They are the use of troops of the Administering Power to maintain order against armed opponents of the local government, and the refusal of political asylum in a trust territory.

We would of course concede the necessity of using as much force as is required to suppress armed revolt. But it becomes inconsistent with the obligations of an Administering Power if it goes beyond that to suppress peaceful activities or to maintain a ban on an outlawed organization, since in our view, no organization not committed to unlawful action should be outlawed.

So exceptional and serious a measure as the use of troops in political conflict should require from the Council the most searching examination to determine its justification.

The denial of the right of political asylum in one trust territory to persons escaping from persecution in another would appear to us warranted only if the persons so denied were under charges of engaging in acts of violence, not, as in the case we cite, members or leaders in an outlawed party. We would assume that in a trust territory as in the domestic law of the Administering Authorities some provision would be made for political asylum so long as persons so protected did not engage in unlawful activities.

We submit these matters of policy to the consideration of members of the Trusteeship Council without specific suggestions regarding any particular trust area, since you are well informed as to the instances which give rise to our concern. We believe that they merit attention as general policies in conformity with the principles which govern the United Nations.

Very sincerely yours,

(Sgd.) ROGER BALDWIN

Roger Baldwin, Chairman

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